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Agenda item 150

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Metod **Špaček** (Slovakia)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-eighth session of the General Assembly pursuant to Assembly resolution 57/16 of 19 November 2002.

2. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Committee considered the item at its 12th, 13th, 20th and 21st meetings, on 21 and 23 October and on 3 and 4 November 2003. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/58/SR.12, 13, 20 and 21).

4. For its consideration of the item, the Committee had before it the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property.[1]

5. At the 12th meeting, on 21 October, the Chairman of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property introduced the report of the Ad Hoc Committee (see A/C.6/58/SR.12).

II. Consideration of draft resolution A/C.6/58/L.20

6. At the 20th meeting, on 3 November, the representative of Japan, on behalf of Australia, Austria, Belgium, China, Denmark, Finland, France, Germany, Greece, Hungary, India, the Islamic Republic of Iran, Ireland, Italy, Japan, Mexico, the

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 22* (A/58/22).

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Philippines, the Republic of Korea, Slovakia, South Africa, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Viet Nam, subsequently joined by Cyprus, the Czech Republic, Norway, Poland and Portugal, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/58/L.20).

7. At the 21st meeting, on 4 November, the Secretary of the Committee made a statement regarding the administrative and financial implications of the draft resolution (A/C.6/58/SR.21).

8. At the same meeting, the Committee adopted draft resolution A/C.6/58/L.20 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolutions 46/55 of 9 December 1991, 49/61 of 9 December 1994, 52/151 of 15 December 1997, 53/98 of 8 December 1998, 54/101 of 9 December 1999, 55/150 of 12 December 2000, 56/78 of 12 December 2001 and 57/16 of 19 November 2002,

Having considered the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property,[1] established pursuant to resolution 55/150,

Noting the adoption of the draft articles and the understandings by the Ad Hoc Committee,

Noting also the broad support for the conclusion of a convention on jurisdictional immunities of States and their property,

Stressing the importance of uniformity and clarity in the law applicable to jurisdictional immunities of States and their property,

1. *Takes note with appreciation* of the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property;[1]

2. *Decides* that the Ad Hoc Committee shall be reconvened from 1 to 5 March 2004, with the mandate to formulate a preamble and final clauses, with a view to completing a convention on jurisdictional immunities of States and their property, which will contain the results already adopted by the Ad Hoc Committee;

3. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-ninth session on the outcome of its work;

4. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 22* (A/58/22).